

NR:VTN
F. #2018R02067

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

ROBERT GALA,

Defendant.

----- X

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. § 1951)

Case No. 20-MJ-779

EASTERN DISTRICT OF NEW YORK, SS:

George Lane, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about July 24, 2017, within the Eastern District of New York and elsewhere, the defendant ROBERT GALA, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery: to wit: the robbery of oxycodone pills from another person.

(Title 18, United States Code, Section 1951)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have served in that capacity since March 2018. As a Special Agent, I have been involved in the investigation of numerous cases involving homicides, kidnappings, bank robberies, Hobbs Act robberies and extortion. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 24, 2017, at about 7:32 p.m., an individual ("John Doe") called 9-1-1 and reported an attempted robbery on 63rd Street between 17th and 18th Avenues in Brooklyn, New York. Law enforcement officers from the New York City Police Department ("NYPD") subsequently interviewed John Doe, who provided the following information, in sum, substance and part. A man (the "Assailant") approached John Doe, displayed a gold shield, ordered John Doe to place his hands on the wall, restrained John Doe using disposable plastic handcuffs and began searching John Doe's pockets. John Doe repeatedly asked the Assailant why he was being placed under arrest, but the Assailant did not respond.

3. The Assailant walked away from John Doe and entered the passenger side of a Nissan Murano vehicle with tinted windows (the "Nissan"). John Doe saw the Nissan drive away towards the intersection of 63rd Street and 18th Avenue. John Doe subsequently reported the incident to the NYPD.

4. Law enforcement authorities obtained surveillance video from multiple sources (collectively, the "Surveillance Video") which depicted portions of the above-

described events.² On or about September 19, 2017, an excerpt from the Surveillance Video was played on multiple New York City news outlets, at the request of the NYPD, in hopes that a viewer would recognize the perpetrator and identify him to law enforcement authorities. Thereafter, an anonymous tip received by the NYPD identified the defendant ROBERT GALA as the Assailant depicted in the Surveillance Video excerpt.

5. Shortly thereafter, NYPD Detective Michelle Martinez, who had previously arrested the defendant ROBERT GALA, reviewed the Surveillance Video. Detective Martinez had arrested GALA on or about July 21, 2017, for possession of an imitation pistol, unlawful use of a police emblem, and unlawful possession of handcuffs,³ Detective Martinez identified GALA as the Assailant depicted in the Surveillance Video.

6. On or about October 19, 2017, NYPD Detective James Benish presented a photographic array containing an image of the defendant ROBERT GALA to John Doe. John Doe identified GALA as the Assailant who stopped him and placed him in plastic handcuffs on July 24, 2017.

7. On or about December 1, 2017, Detective Benish arrested the defendant ROBERT GALA for robbery, in violation of New York Penal Code Section

² The Surveillance Video did not capture all of interactions between John Doe and the Assailant as, at times, buildings or other obstructions blocked the view of the video cameras recording the incident from fixed positions.

³ GALA was not a member of the NYPD, nor any other law enforcement agency at the time of the July 21, 2017 arrest. The prosecution in connection with that arrest was dismissed upon motion of the Richmond County District Attorney's Office on or about October 30, 2017.

160.10.⁴ While GALA was undergoing arrest processing at the 84th Precinct in Brooklyn, New York, GALA stated, in sum, substance and part that, “You know that the guy I robbed is a drug dealer, right? The news made it sound worse than it was. I was just in a bad place and figured he was a bad guy and I needed pills. I didn’t think it out. I didn’t think he would call the cops.”

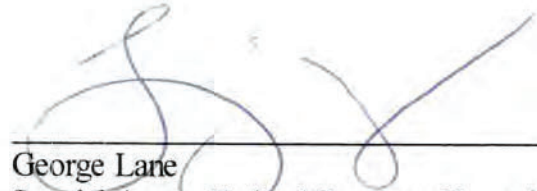
8. On or about May 7, 2019, law enforcement authorities and I interviewed John Doe, and John Doe provided additional information about the events of July 24, 2017 that he had not previously disclosed. John Doe stated, in sum, substance and part, that on July 24, 2017, John Doe had filled a prescription for 180 oxycodone pills at a Brooklyn pharmacy. John Doe had then made arrangements to sell the pills to another person (the “Buyer”) for \$20 per pill. The Buyer asked John Doe to meet him in the area of 17th Avenue and 63rd Street in Brooklyn, New York. As John Doe walking on 63rd Street, in the direction of 17th Avenue to meet the Buyer, the defendant ROBERT GALA approached John Doe. GALA had what appeared to John Doe to be a police badge and radio. GALA ordered John Doe to get up against the wall and then cuffed John Doe’s hands using plastic handcuffs. GALA then reached into John Doe’s pocket and took the prescription pill bottle containing 180 oxycodone pills.⁵

WHEREFORE, your deponent respectfully requests that the defendant ROBERT GALA, be dealt with according to law. Your affiant also respectfully requests

⁴ The Kings County District Attorney’s Office declined to prosecute GALA, in part because John Doe had not made a corporeal identification of GALA as the Assailant.

⁵ John Doe had previously told law enforcement on July 24, 2017 that no property had been taken from him during the robbery.

that this affidavit and any issued arrest warrant be sealed as the defendant remains at large and public disclosure of this affidavit and/or arrest warrant may lead him to flee or otherwise seek to avoid apprehension.


George Lane
Special Agent, Federal Bureau of Investigation

Sworn to before me this
9th day of September, 2020

Cheryl Pollak

THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

ROBERT GALA

Case No. 20-MJ-779

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) ROBERT GALA,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1951 - Hobbs Act robbery

Date: 09/09/2020*Cheryl Pollak**Issuing officer's signature*City and state: Brooklyn, New YorkChief Magistrate Judge Cheryl Pollak*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates *(name, relation, address, phone number)*: _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer *(if applicable)*: _____

Date of last contact with pretrial services or probation officer *(if applicable)*: _____

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TO: Clerk's Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF APPLICATION FOR ARREST
WARRANT

20-MJ-779

Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Virginia Nguyen

Firm Name: USAO EDNY

Address: 271 Cadman Plaza East

Brooklyn, NY 1102

Phone Number: (718) 254-6280

E-Mail Address: Virginia.Nguyen@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ☒
If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn, NEW YORK

9/9/2020

Cheryl Pollak

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____ DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) ☒ A copy of this application either has been or will be promptly served upon all parties to this action, B.) _____ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) _____ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

09/09/2020

DATE

M. Nguyen
SIGNATURE